

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
BRYSON CITY DIVISION

UNITED STATES OF AMERICA  
upon the relation and  
for the use of the  
TENNESSEE VALLEY AUTHORITY  
Plaintiff

v.

Civil Action No. 2:05CV204

AN EASEMENT AND RIGHT-OF-WAY  
OVER 4.27 ACRES OF LAND, MORE  
OR LESS, IN CHEROKEE COUNTY,  
NORTH CAROLINA

LOK KING KONG, as trustee with  
power of sale of the Lok King Kong  
Revocable Trust  
AI CHOO KONG, as trustee with  
power of sale of the Ai Choo Kong  
Revocable Trust  
Defendants

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**JUDGMENT AND ORDER DISBURSING FUNDS**

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This action came on to be considered, and it appears to the Court  
that the parties, as shown by the signatures below, have agreed to settle this  
action as provided below.

It is, therefore, Ordered and Adjudged that:

1. The Defendants shall recover of the Plaintiff \$351,000 as full compensation for the taking of the easement and right-of-way right herein condemned.

2. The vesting of title in the United States of America, free of all liens, claims, and encumbrances, as evidenced by the Declaration of Taking filed herein on June 22, 2005, is hereby fully and finally confirmed with respect to the easement and right-of-way described in Exhibit A attached hereto and made a part hereof (said Exhibit A being the same as Exhibit A to the Declaration of Taking filed herein).

3. On March 9, 2006, this Court entered an order disbursing to the Defendants the \$243,850 deposited by Plaintiff with this Court upon the filing of the Declaration of Taking in this action. In accordance with this Judgment and Order (Judgment), Plaintiff is ordered to deposit an additional \$107,150 with the Clerk of Court within ten (10) days of the entry of this Judgment. Upon receipt by the Clerk from the Plaintiff of said additional deposit, the Clerk of this Court is authorized and directed to draw a check on the funds on deposit in the registry of this Court in the amount of \$107,150 payable to "Jones, Key, Melvin & Patton Trust Account," in full satisfaction of this Judgment, and to mail said check to Fred H. Jones, Esq., Jones, Key, Melvin & Patton, P.A., 61 East Main Street, Franklin, North Carolina 28734.

4. The Clerk of this Court shall furnish to the Plaintiff a certified copy of this Judgment which shall serve as a muniment of title.

Signed: December 7, 2006



Lacy H. Thornburg  
United States District Judge



We hereby approve and consent to the entry of this document:

s/Thomas A. Robins

Thomas A. Robins  
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Knoxville, Tennessee 37902-1401  
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Attorney for Plaintiff

s/Fred H. Jones

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Attorneys for Defendants

A permanent easement and right-of-way, consisting of the perpetual right to enter and to erect, maintain, repair, rebuild, operate, and patrol lines of transmission line structures with wires and cables for electric power circuits and communication circuits, and all necessary appurtenances, in, on, over, and across said right-of-way, together with the right to clear said right-of-way and keep the same clear of all trees, brush, buildings, signboards, billboards, and fire hazards, to destroy or otherwise dispose of such trees and brush, and to remove, destroy, or otherwise dispose of any trees located beyond the limits of said right-of-way which in falling could come within five feet of any transmission line structure or conductor located thereon, the Plaintiff to remain liable for any direct physical damage to the land, annual crops, fences, and roads resulting directly from the operations of the construction and maintenance forces of Plaintiff in and about the erection and maintenance thereof, all upon, under, over, and across the following-described land:

TRACT NO. MURBTR-71

A parcel of land located in the Notla Township of Cherokee County, State of North Carolina, the said parcel being more particularly described as follows:

Beginning at a point which is a common corner in the lands of Lok King Kong, Trustee, et al., Genia A. Carter, and County of Cherokee, North Carolina, the said point being in the centerline of the Nottley River and being 31.89 feet right of the centerline of the transmission line location at survey station 230+53.88; thence leaving the said common corner and with the meanders of the centerline of the said river and the property line between Lok King Kong, Trustee, et al., and County of Cherokee, North Carolina in a northeasterly direction 18.22 feet to a point on the northeast right-of-way line of the location, the said point being 50 feet right of the centerline of the location at survey station 230+51.88; thence leaving the centerline of the said river and the said property line and with the said northeast right-of-way line of the location S. 51° 28' 46" E., 665.45 feet to a point diametrically opposite an angle point in the centerline of the location at survey station 223+75.19; thence with the north right-of-way line of the location S. 76° 48' 05" E., 1,185.21 feet to a point on the northwest right-of-way line of State of North Carolina (Highway 60) and the southeast property line of Lok King Kong, Trustee, et al., the said point being 50 feet right of the

centerline of the location at survey station 211+78.75; thence leaving the said north right-of-way line of the location and with the meanders of the said road right-of-way line and the said property line in a southwesterly direction 107.43 feet, crossing the centerline of the location at survey station 212+00.11 (54.43 feet), to a point on the south right-of-way line of the location, the said point being 50 feet left of the centerline of the location at survey station 212+17.69; thence leaving the said road right-of-way line and the said property line and with the said south right-of-way line of the location N. 76° 48' 05" W., 1,168.74 feet to a point diametrically opposite an angle point in the centerline of the location at survey station 223+75.19; thence with the southwest right-of-way line of the location N. 51° 28' 46" W., 701.34 feet to a point on the property line between Lok King Kong, Trustee, et al., and Genia A. Carter, the said point being in the centerline of the aforementioned river and being 50 feet left of the centerline of the location at survey station 230+65.30; thence leaving the said southwest right-of-way line of the location and with the meanders of the centerline of the said river and the said property line in a northeasterly direction 82.70 feet, crossing the centerline of the location at survey station 230+57.7 (50.57 feet), to the point of beginning and containing 4.27 acres, more or less.

Furthermore, the permanent easement rights include the perpetual right to install, maintain, and replace guy wires and necessary appurtenances outside the right-of-way for the transmission line structure located at survey station 223+75.19.

Recording Information: Record landowners as of the date of the filing of the Declaration of Taking — Lok King Kong, Trustee, et al. (Book 918, page 137).

Parcel identification number: 4560 04 62 9050 000